



Sent Via Electronic Mail

March 31, 2020

Colonel Phillip Borders, US Army District Commander
Sheila Newman
Shane McCoy
US Army Corps of Engineers
PO Box 6898
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poaspecialprojects@usace.army.mil

Re: NEPA and CWA process for Pebble mine project (POA-271-2017) should be paused

Dear Col. Borders, Ms. Newman, and Mr. McCoy:

As we are all too aware, the world is combatting a global pandemic with widespread outbreaks of COVID-19. The President of the United States has declared a national emergency¹, the State of Alaska declared a public health disaster emergency², and many rural Alaskan communities have shut down all travel in and out³. With confirmed COVID-19 cases in twelve Alaska communities, and numbers rising daily, the state and its residents are focused on preparations to prevent further spread of the virus as well as the potential overwhelming of health care facilities.

The State of Alaska is under a “shelter-in-place” order by the Office of the Governor⁴, all schools and university campuses are closed, and all non-essential workers are required to work from home. This upheaval of daily life and societal norms also resulted in the closure and limited access to federal, state, and local government offices and services.

The Army Corps’ relentless push forward to finalize the Pebble mine project’s EIS and provide a ROD during this global crisis is not only blind to the impact of the global pandemic, but also compromises the integrity of a Final EIS and ROD.

¹ Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak, Executive Office of the President, March 13, 2020, <https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/>

² Declaration of Public Health Disaster Emergency, Office of the Governor, State of Alaska, March 11, 2020, <https://gov.alaska.gov/wp-content/uploads/sites/2/COVID-19-Disaster-Packet.pdf>

³ Hopkins, Kyle, Alaska rural villages begin to ban or severely restrict air travel in hopes of slowing coronavirus, Anchorage Daily News, March 20, 2020, <https://www.adn.com/alaska-news/rural-alaska/2020/03/20/alaska-rural-villages-begin-to-ban-or-severely-restrict-air-travel-in-hopes-of-slowing-coronavirus/>

⁴ SOA March 27 COVID-19 Health Mandate 012: Intrastate Travel, Alaska Department of Health and Social Services, and Office of the Governor, State of Alaska, March 27, 2020, <https://content.govdelivery.com/accounts/AKDHSS/bulletins/283a7de>

The community leaders who have served as representatives of Tribal, local, and state Cooperating Agencies in the Pebble NEPA process are now focused on minimizing the COVID-19 outbreak and impacts to their communities. The Army Corps unwillingness to adjust to this reality leaves Cooperating Agency participants in a terrible bind where they either give less than full attention to one of the two major threats to their communities; one that is happening right now, and one in the future. Your job is to serve these members of the public, not force them into a making a best bad choice so you to meet an arbitrary and politically motivated deadline.

The federal government plays a critical role in the implementation of federal laws, holding public property in the public interest, and ensuring the health and safety of the American people. In the time of a national and global emergency, the federal government has the primary responsibility to head the response to the crisis. In response to COVID-19, federal agencies are heeding that call with support for state and local entities. To aid in the suppression of the spread of COVID-19, the National Parks Service has closed many of its National Parks and Monuments to public visitors⁵, the EPA has suspended enforcement actions during COVID-19 response⁶, and the Federal Courts have issued a general order to stay all civil proceedings for 30 days⁷. The right and decent thing to do would be for the Army Corps to follow the lead of other federal entities and suspend the Pebble mine project NEPA process and allocate its resources to the pandemic response.

Due to the unprecedented circumstances the world is facing, and the all-hands-on deck needed to combat the COVID-19, SalmonState requests the Army Corps suspend the current NEPA process for the Pebble mine project. A delay in the permitting process for the Pebble mine project would not detriment Pebble Limited Partnership's interests, as the project requires multiple state and local permits, for which PLP has not yet submitted applications.

Thank you for your consideration of SalmonState's request.

Sincerely,



Tim Bristol
Executive Director
SalmonState

⁵ National Parks Public Health Update, last accessed March 31, 2020, <https://www.nps.gov/aboutus/news/public-health-update.htm>

⁶ COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program, Environmental Protection Agency, March 26, 2020, <https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf>

⁷ Miscellaneous General Order No. 20-11, Suspension of Court Proceedings Effective March 30, 2020, United State District Court For the District of Alaska, March 30, 2020, https://www.akd.uscourts.gov/sites/akd/files/20-11_MGO_Suspension_of_Proceedings.pdf

Cc:

Commanding General, Todd Semonite
Assistant Secretary of the Army, R.D. James
Brigadier General Commander, Thomas Tickner
Chief of Alaska Regulatory Division, David Hobbie
Senator Lisa Murkowski
Senator Dan Sullivan
Representative, Don Young
EPA General Counsel Matt Leopold
EPA R10 Administrator Chris Hladick
US Coast Guard, David Seris
Governor, Mike Dunleavy
Lt Governor, Kevin Meyer
Alaska State Senate President, Cathy Giessel
Alaska State Speaker of the House, Bryce Edgmon
Alaska DNR Commissioner, Corri Feige
Alaska DEC Commissioner, Jason Brune
Alaska ADF&G Commissioner, Doug Vincent-Lang